

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8563

Nigel SIMMONS, et al.

Appln. No.: 10/564,638

Group Art Unit: 2151

Confirmation No.: 3356

Examiner: Not Yet Assigned

Filed: January 13, 2006

For: SOCIAL NETWORK OF IDENTITIES AND QUERY METHOD THEREFOR

SUPPLEMENTAL STATEMENT OF FACTS

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Nigel Simmons, residing at Potomac, Maryland, declare and state as follows:

1) On December 1, 2006 I prepared a Statement of Facts that was submitted to the USPTO with a Petition Under 37 C.F.R. §1.47(a) ("Petition"). The Statement of Facts concerned efforts to locate one of the co-inventors of the present application, Mr. Adarbad Master, and have him sign a Declaration and Power of Attorney for the present application.

2) On December 20, 2006, the USPTO mailed a Decision on Petition that dismissed the Petition because Applicant allegedly did not show reasonable diligence in attempting to locate and contact Mr. Master. The Decision stated that additional measures for contacting Mr. Masters were not employed, such as attempts by telephone, by consulting Mr. Master's former co-workers, by attempting to obtain a forwarding address, or by searching public directories.

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3) I incorporate by reference the statements in the Statement of Facts dated December 1, 2006. Further to the facts set out in my Statement of Facts dated December 1, 2006, I hereby state and declare the following.

4) In addition to my attempts to contact Mr. Master as stated in the Statement of Facts dated December 1, 2006, I also took the actions detailed in the Exhibit A to this Supplemental Statement of Facts, which include attempting to contact Mr. Master by telephone, consulting Mr. Master's former co-workers, attempting to obtain a forwarding address, and searching public directories for Mr. Master's current contact information.

5) I have attempted at least fifteen (15) times to contact Mr. Masters. I have attempted to contact him by email, by telephone, and by mailing the Declaration and Power of Attorney to two different addresses for Mr. Master, one in the U.S. another in India. With the exception on one response from Mr. Master on August 3, 2006, all of these efforts have failed to elicit a response from Mr. Master. Although Mr. Master in that one response on August 3, 2006 indicated a willingness to sign the Declaration and Power of Attorney, he never responded to my subsequent requests for a mailing address. A copy of my email exchange with Mr. Master on August 3, 2006 was submitted as Exhibit 1 to the Petition Under 37 C.F.R. § 1.47(a).

6) In addition to my attempts to contact Mr. Master by email, as detailed in my Statement of Facts submitted with the Petition Under 37 C.F.R. § 1.47(a), I also performed a search of the World Wide Web ("Web") on November 27, 2006 for Mr. Master's contact information. I discovered that Mr. Master was affiliated with a company in India called Nanocast. On November 28, 2006 I sent a copy of the Declaration and Power of Attorney, along

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with a copy of the application, addressed to Mr. Master both to his last known address in the U.S., which is set forth in my earlier Statement of Facts, and to the address in India, which I obtained from the Web search. Attached as Exhibits B and C, respectively, are copies of airbills for the packages I sent to Mr. Master's attention at his last known address in the U.S. and the address I located for the company in India with which he is affiliated, Nanocast. Mr. Master has responded to neither of these packages.

7) I also performed a Web search for Mr. Master's wife, Nive Lakhani. I located an email address for Ms. Lakhani and sent her an email on February 5, 2007. Attached as Exhibit D. Ms. Lakhani did not respond to my email message.

8) On March 28, 2007, I polled Mr. Master's colleagues at EPOK Inc. whether they had contact information for Mr. Master. See Exhibits A and E. As indicated in Exhibits A and E, I received responses from: Scott Birnbaum, Amy Ashker, Jim Dougherty, Lance Hood, Bruce Gendler. Each of these individuals responded either with the address in the U.S. where I sent a copy of the Declaration and Power of Attorney, or they indicated that they thought Mr. Master is working for a company in India called Nanocast, or they suggested contacting Mr. Master's wife.

9) On May 1, 2007, I received a suggestion from Scott Birnbaum to contact an old colleague of Mr. Master, Ajay Madhok in Delhi India, see Exhibits A and F. I sent Mr. Madhok an email on May 24, 2007 and received a reply from Mr. Madhok to try to reach Mr. Master at his Nanocast company email address: Adarhad.Master@nanocast.com.

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10) On June 4, 2007, I attempted to contact Mr. Master by email at his address Adarbad.Master@nanocast.com and on June 13, 2007, I attempted to contact Mr. Master's again on all known addresses, but Mr. Master never replied, see Exhibits A and G.

11) On May 23, 2007 I obtained telephone numbers for the Nanocast company in India, which appears now to be known as Mixercast. I called these telephone numbers in India for Mixercast on five different occasions, on May 31, June 1, 4, 13, and 14, 2007 and on each of these attempts no one answered the telephone, see Exhibit A.

12) As of today, neither I nor EPOK, Inc. has received the executed Declaration or further communications from Mr. Master and he has not returned any of my messages since August 3, 2006.

Date: 19 June 2007

W.N. Simmons
Nigel Simmons
VP Product Management
EPOK, Inc.